

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LORRAINE DUFFY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-460-SLR
	:	
DEPARTMENT OF STATE, an	:	(Jury trial demanded)
Agency of the State of Delaware,	:	
	:	
Defendant.	:	

A N S W E R

The defendant, Department of State of the State of Delaware, hereby answers the complaint as follows:

1. Admitted.
2. Admitted that plaintiff was employed by defendant as a Programmer Specialist since 2002. As to the balance of the paragraph, defendant is without sufficient information to admit or deny.
3. Admitted that plaintiff had been employed by another State agency prior to the present position. As to the balance of the paragraph, defendant is without sufficient information to admit or deny.
4. This is a legal contention to which no response is required.
5. Admitted.
6. Admitted. By way of further response, the change in plaintiff's supervisor was at her request.

7. It is admitted that Phil Fred was also employed with defendant; it is denied that he has been employed with defendant since 1977.

8. Denied.

9. Denied as stated. Plaintiff requested that Mr. Ravis not intervene as she stated: "I would talk to him (Fred) if it got too bad."

10. Denied.

11. Admitted that Carroll stated: "Lorraine, if you don't do what I asked you to do, I'm going to smack you." By way of further answer, the threat was not serious, but the result of frustration of his repeated attempts to have plaintiff enter a computer command. Prompt action was taken by the employer to resolve the problem.

12. Denied.

13. Admitted.

14. Admitted that plaintiff preferred working with the UNIX system, but all programmers need to work on the mainframe system.

15. Denied.

16. Denied.

17. Denied as stated. The plaintiff was having an interpersonal problem with a fellow employee and she rebuffed Mr. Ravis's offer to intervene and choose to attempt to resolve the problem on her own.

18. Denied.

19. Defendant is without sufficient information to admit or deny.

20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied as stated.
26. Admitted.
27. Denied.
28. Denied.
29. Denied.
30. Admitted.
31. Denied.
32. Denied.
33. Admitted that the EEOC adopted the DDOL findings that there was no basis for plaintiff's present claims and provided a right to sue letter dated June 12, 2006.
34. This is an incorporation paragraph and requires no response.
35. Denied.
36. Denied.
37. This is an incorporation paragraph and requires no response.
38. Denied.
39. Denied.

40. Denied.

41. This is an incorporation paragraph and requires no response.

42. Denied.

First Defense

43. The complaint fails to state a legal claim for which relief can be granted.

Second Defense

44. The plaintiff has failed to properly exhaust her administrative remedies as required by law.

Third Defense

45. The defendant took prompt remedial action upon learning of plaintiff's concerns.

Fourth Defense

46. The matter is in whole, or in part, time barred under the appropriate statute of limitation, or repose or by some administrative time requirement.

Fifth Defense

47. The matter is barred by the Eleventh Amendment to the U.S. Constitution.

Sixth Defense

48. The district court lacks jurisdiction under Art. III, § 2, clause 2.

WHEREFORE, the defendant asks for judgment in its favor for all that is just and proper, including dismissal of the action and assessment of costs against the plaintiff.

STATE OF DELAWARE
Department of Justice

/s/ Marc P. Niedzielski
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DATED: August 24, 2006

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Plaintiff,	:	
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DEPARTMENT OF STATE, an	:	
Agency of the State of Delaware,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated he electronically served
a copy of the Answer to the Complaint on the following:

Roy S. Shiels, Esquire
P.O. Drawer F
108 E. Water Street
Dover, DE 19903

**STATE OF DELAWARE
Department of Justice**

/s/ Marc P. Niedzielski
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